

**WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD**  
**THE DEPARTMENT OF LAND PRESERVATION**  
**500 MT PISGAH AVE, P.O. BOX 179**  
**OXFORD, NJ 07863**

**RESOLUTION NO. 20-11**

On motion by Mr. Menegus, and seconded by Mr. Bodine, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held November 19, 2020.

**RESOLUTION OF THE WARREN COUNTY AGRICULTURE  
DEVELOPMENT BOARD APPROVING THE APPLICANT'S REQUEST  
FOR A SITE SPECIFIC DETERMINATION IN THE MATTER OF STAR  
D FARMS, LLC, BLOCK 7, LOTS 1 & 1.03 IN HARMONY TOWNSHIP,  
WARREN COUNTY, NEW JERSEY, RIGHT-TO-FARM APPLICATION  
TO PERMIT STORAGE TRAILERS FOR AGRICULTURE PURPOSE ON  
FARM**

**WHEREAS**, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3(a), a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "Board") to determine whether its operation constitutes a generally accepted agricultural management practice; and

**WHEREAS**, Patrick and Kelley Smith (the "Applicants") applied for a Site Specific Agricultural Management Practice ("SSAMP") determination for their property located at 200 Roxburg Station Road in the Township of Harmony, New Jersey, and known as Block 7 Lots 1 & 1.0 3 on the Township Tax Map ("Property")

**WHEREAS**, pursuant to N.J.A.C. 2:76-2.3(b), the Board advised the State Agriculture Development Committee and Harmony Township of the request for a SSAMP determination; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-2.3, upon receipt of a request for a SSAMP, the Board must first determine whether the Applicant's operation satisfies at least one of the following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan; or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998; and

**WHEREAS**, based upon the application documentation submitted by the Applicant, including a copy of the Harmony Township Zoning Map and pertinent sections of the Harmony Township Zoning Ordinance, the Board finds that the Property is located in the "I-1 Farms & R-

HB” Zones which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Harmony Township Municipal Zoning Ordinance §165-17(A) & §165-14 (A) and is consistent with the Harmony Township Municipal master plan; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1 defining “commercial farm”, the Board also must determine whether the Applicant’s operation satisfies at least one of the following two requirements:

(1) a farm management unit of no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; or

(2) A farm management unit of less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

**WHEREAS**, based upon the application documentation submitted by the Applicant, including a copy of Applicant’s 2020 Application for Farmland Assessment, the Board finds that Applicant’s farm management unit includes 150 acres owned by Applicant and therefore is not less than 5 acres;

**WHEREAS**, based upon the application documentation submitted by the Applicant, including a copy of the Applicant’s 2019 Federal Income Tax Returns, the Board finds that the Applicant’s farm management unit produces agricultural and horticultural products in excess of \$2,500.00 and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

**WHEREAS**, pursuant to N.J.S.A. 4:1C-9, to be eligible for protection under the Right to Farm Act, the agricultural operation must also: (1) conform to agricultural management practices adopted by the Committee; (2) comply with all relevant Federal or State statutes and regulations; and (3) not pose a direct threat to public health and safety; and

**WHEREAS**, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicant’s request for a SSAMP determination which was noticed to take place at the September 17, 2020 Board meeting;

**WHEREAS**, the Applicant provided the Board with proof of written notice having been made in accordance with the requirements of N.J.S.A. 2:76-2.8(c), including, but not limited to, proof of written notice to all property owners within 200 feet of Applicant’s Property, Harmony Clerk and Land Use Board, the State Agriculture Development Committee, and proof of publication of the Notice of Hearing in the Easton’s The Express Times on September 3, 2020; and

**WHEREAS**, the Applicants were represented by Mr. Steven Gruenberg, Esq.; and

**WHEREAS**, no members of the public present other than the Applicant, Mr. Patrick Smith, provided sworn testimony under oath, and;

**WHEREAS**, the Applicant, Mr. Patrick Smith, gave testimony that the farm is used for cropland (hay, soybeans and rotation planting of corn) and equestrian use. The farm has an outdoor riding arena of approximately 96 feet by 200 feet and that his Daughter uses same for her horses (of which there are more than one) and presently they have eight (8) horses being boarded on the farm, most of the horses being "rescue horses". The outdoor riding arena is being used by his Daughter who is receiving riding lessons and not giving riding lessons. At the present time there has been a pause in the lessons being given to his Daughter due to illness in the family of the person providing such lessons; and

**WHEREAS**, the Applicant, Mr. Patrick Smith, provided a sketch depicting the location of various buildings and outdoor riding arena on his property submitted with his SSAMP application and further testified as to the use of each of the buildings, structures, sheds, etc., all used in the agricultural operations of the farm and also testified that the front entrance to the farm is from County Route 519 and that the back entrance is on Roxburg Station Road; and

**WHEREAS**, the following exhibit was marked as " Exhibit A1 " which consisted of color photographs #7 through #14 showing animal pathways, road(s) on the subject property, driveway cut, the outdoor riding arena, round pen, running shed and Morton building (used for storage of equipment and shop) and included a 1970's era aerial photograph of the subject property all of which evidenced the past and present agricultural use of the property.

**NOW, THEREFORE BE IT RESOLVED**, that based upon the evidence submitted and testimony presented by the Applicant, Mr. Patrick Smith, the Board finds as follows:

- 1) That the Board previously determined that Applicant operates a commercial farm by Resolution #20-05 dated June 18, 2020 in accordance with the requirements of N.J.S.A. 4:1C-9; and
- 2) That the Applicant is engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2B.2; and
- 3) That the Board retains jurisdiction of this matter; and
- 4) That the Board has approved the outdoor riding area for present agricultural activity
- 5) That the Applicant must comply with all health, safety and welfare issues; and
- 6) That the Township of Harmony shall permit the applicant to continue its present use of the property for agricultural purposes including the equestrian use of the subject property in accordance with the Board's Site Specific Determination of approval.

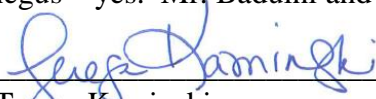
**BE IT FURTHER RESOLVED**, that the Board shall forward a copy of its written decision of the SSAMP Resolution to the Star D Farms, LLC (Patrick and Kelley Smith, applicants), the Township of Harmony, the State Agriculture Development Committee (SADC),

and any other individuals or organizations deemed appropriate by the Board within 30 days of the memorialization of this recommendation.

Roll Call: Mr. Schnetzer –yes; Mr. Bodine – yes; Mr. Baduini – abstained; Mr. Burke – yes; Mr. Nyland – yes; Mrs. Watters – yes; Mr. Menegus – yes.

### **CERTIFICATION**

I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Board held on November 19, 2020 to memorialize the Board's action on September 17, 2020 in which a motion was made by Mr. Burke and seconded by Mr. Bodine and Roll Call at said meeting was as follows: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Menegus – yes. Mr. Baduini and Mrs. Watters absent.

  
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Teresa Kaminski